



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, December 12, 2013 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	January 9, 2014

MEMBERS PRESENT

Michael Harrington, Sr., Professional Member, Chairman
Andrew Staton, Professional Member, Vice Chairman
Ricky H. Allamong, Professional Member, Secretary
Christopher J. Whitfield, Professional Member
Justin Healy, Professional Member
James C. Brannon, Jr., Public Member
Lynn Rogers, Public Member
Gilbert Emory, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Joseph F. McCann, Public Member

ALSO PRESENT

Danielle Benson, Broker, Real Estate Education Committee

CALL TO ORDER

Mr. Harrington called the meeting to order at 9:00 a.m.

REVIEW OF MINUTES

Mr. Emory made a motion, seconded by Mr. Brannon, to approve the minutes of the meeting held on November 14, 2013. By unanimous vote, the motion carried.

NEW BUSINESS

Discussion and Review of Hearing Officer Recommendations

Frank May – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. Mr. Harrington made a motion, seconded by Mr. Rogers, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

John Camp – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. Mr. Staton made a motion, seconded by Mr. Allamong, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Michelle Cauthorn – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Allamong describing the sanctions. Mr. Allamong made a motion, seconded by Mr. Staton, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Margeurite Parker - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Whitfield describing the sanctions. Mr. Whitfield made a motion, seconded by Mr. Allamong, to accept the Hearing Officer's Recommendation as written. By unanimous vote, the motion carried.

Susan Pomerantz - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. Mr. Staton made a motion, seconded by Mr. Rogers, to accept the Hearing Officer's recommendation as written. By majority vote, the motion carried with Mr. Healy recusing himself.

Gordon Ramey – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Brannon describing the sanctions. Mr. Brannon made a motion, seconded by Mr. Emory, to accept the Hearing Officer's Recommendation as written. By unanimous vote, the motion carried.

Education Committee Report

Ms. Benson said she discussed with the Education Committee about the use of electronic devices and that the Commission wanted it to be up to the course providers to make the decision whether electronic devices could be used or not. The Education Committee wanted to know if the Commission was going to put something in writing to give to the course providers. Discussion about making this a rule in the rule and regulations and that way notices would not need to be sent out. Ms. Benson stated that she has several instructors on the Education Committee and they want some direction until this can be put out for public comment. Mr. Harrington said that right now without having something in the rules that it would be up to the course providers if they wanted to enforce this or not at this time.

Ms. Benson went through the Education Committee minutes with the Commission. They had 22 new courses approved, 6 instructors approved, and none of the courses or instructors were denied. 7 students were denied for not having instructor information. Mr. Harrington spoke about 4 out of the 7 student requests that were denied had to do with the Commission's annual seminar and the students asking for the credits to be used under module 7 for an elective and not module 5. Mr. Whitfield made a motion, seconded by Mr. Allamong, to approve those 4 student applications since the seminar is an approved course from the Real Estate Commission. Discussion that a decision was made last month or the month before that, if there is a DE approved course provider and a student want approval for a different module that they would only need to submit the student application not the course outline and instructor resume; however this is a rule change that hasn't been out for public comment. Ms. Benson stated that all students for months now that have been denied get notice on what is needed in order to

get approval. Mr. Harrington asked Ms. Kelly if there is something the Commission can do now to change this. Ms. Kelly stated that like Ms. Benson stated earlier, the Commission approved a change in the guidelines that will allow a DE approved course to be approved without submitting all the other documentation that is now being requested since the outline and instructor resumes are already part of the packet with getting approval for the course. Ms. Kelly stated that things should go as is until the rule gets changed. Mr. Whitfield withdrew his motion, as well as Mr. Allamong withdrawing his second.

Ms. Benson stated that Mr. Harrington attended the Education Committee's meeting and discussed having reciprocity with continuing education with surrounding states.

Ms. Benson stated that the Education Committee had someone interested in being the ARELLO contact; however it is in the law under 2922(i) that funding for ARELLO (Association of Real Estate License Law Officials) meetings only apply to Commissioner's, Staff personnel, and Legal Counsel for the Commission. Therefore the Commission will have to appoint one of the Commissioners to attend the meetings for ARELLO.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Whitfield made a motion, seconded by Mr. Brannon, to approve to the education approvals submitted by the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Whitfield made a motion, seconded by Mr. Brannon, to ratify the following applications for salespersons:

Dennis Medlock, Long & Foster Real Estate, Inc, Bethany Beach, DE
Timothy Rust, Realty Mark Concord, Wilmington, DE
Evelyn Wingate, Mann and Son's Inc, Rehoboth Beach, DE
Morgan Lozier, Cooper Realty, Lewes, DE
Bradley Fitzloff, Keller Williams Realty, Wilmington, DE
Erika Harper, RE/MAX Above & Beyond, Seaford, DE
Cecila Benjamin, Ocean Atlantic Sotheby's, Rehoboth Beach, DE
Jason Street, Keller Williams Realty, Wilmington, DE
Michael Guerriere, Keller Williams Realty, Wilmington, DE
Mary Pardee, Keller Williams at the Beach, Rehoboth Beach, DE
Gail Shields, Maggio Shields Real Estate Brokerage, Rehoboth Beach, DE
Paul Webster, Referral Realty, Wilmington, DE
Johanna Parcher, Keller Williams Realty, Wilmington, DE
LaRae Williams, Home Realty, Newark DE
David Klimas, McWilliams/Ballard, Alexandria, VA
Elisabeth Ostrander, Weichert Realtors, Wilmington, DE
Paul Bauducco, Keller Williams at the Beach, Rehoboth Beach, DE
Thomas Newton, Patterson Schwartz & Associates, Wilmington, DE
Kay Lawson, Brandywine Fine Properties Sothebys Intl Realty, Wilmington, DE
Blaine Breeding, Patterson Schwartz Real Estate, Greenville, DE
Stephen McGuinness, Jack Lingo, Inc., Rehoboth Beach, DE
Courtney Haass, Harrington ERA Realty, Milford, DE
Ceceile Binns, Keller Williams Realty, Wilmington, DE
Daniel Parncutt, Keller Williams Realty, Wilmington, DE
Celeste Beaupre, Maggio Shields Real Estate Brokerage, Rehoboth Beach, DE

By unanimous vote, the motion carried.

Review of Salesperson Applications

There were no salesperson applications for review in December.

Review of Broker and Associate Broker Applications

The Commission reviewed the associate broker's application of Martha Foley. Mr. Brannon made a motion, seconded by Mr. Staton, to approve Ms. Foley's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Thomas Schoenbeck. Mr. Brannon made a motion, seconded by Mr. Staton, to approve Mr. Schoenbeck's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of James Favata. Mr. Brannon made a motion, seconded by Mr. Staton, to approve Mr. Favata's application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Matthew Day for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Emory, to approve Mr. Day's reinstatement application upon successful passing of the state exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Carol Materniak for reinstatement of an associate broker's license. Mr. Whitfield made a motion, seconded by Mr. Emory, to approve Ms. Materniak's reinstatement application upon successful passing of the State exam. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the applications of Fairville Management Company, LLC for relocation of office. Mr. Allamong made a motion, seconded by Mr. Staton, to approve the relocation of the office application. By unanimous vote, the motion carried.

Status of Complaints

Complaint 02-29-13 – Closed by Investigator
Complaint 02-34-13 – Closed by Investigator
Complaint 02-26-13 – Closed by Investigator
Complaint 02-09-11 – Closed by Attorney General
Complaint 02-06-12 – Closed by Attorney General
Complaint 02-07-12 – Closed by Attorney General
Complaint 02-16-12 – Closed by Attorney General
Complaint 02-03-13 – Forwarded to the Attorney General
Complaint 02-28-12 – Forwarded to the Attorney General
Complaint 02-02-13 – Forwarded to the Attorney General
Complaint 02-10-13 – Forwarded to the Attorney General
Complaint 02-36-13 – Forwarded to the Attorney General
Complaint 02-47-13 – Forwarded to the Attorney General
Complaint 02-04-13 – Closed by Investigator

Correspondence

Letter from Mr. Henry Hanna

Mr. Hanna is requesting to become a salesperson from an associate broker. After discussion, Mr. Allamong made a motion, seconded by Mr. Rogers, to approve Mr. Hanna's request after he submits the proper paperwork and the Commission would like Ms. Wagner to inform Mr. Hanna that we don't use the terminology Non-resident salesperson anymore. By unanimous vote, the motion carried.

Request to sit for Exam with special accommodations – Eric Gawel

Mr. Gawel submitted a request for special accommodations and to ask the Commission to grant him a waiver to sit for the exam for a 4th time. Mr. Gawel stated in his letter that he wasn't aware of Pearson Vue having the provision of special accommodations when he first took the exams. After discussion, Ms. Kelly brought up that the application from Pearson Vue states that the letter or report from the professional must be within 3 years. Mr. Gawel's report and letter are from 2004. Mr. Whitfield made a motion, seconded by Mr. Rogers, to contingent approve Mr. Gawel's request for a waiver and special accommodations only after Mr. Gawel submits updated documents on his disability. By unanimous vote, the motion carried.

Letter from Robert Walls

The letter submitted by Mr. Robert Walls on the subject of AFIDA - Distribution of the Report "Foreign Holdings of U.S. Agricultural Land through December 31, 2011" was just given the Real Estate Commission as an FYI.

Review and Discuss: Letter from Eva Monteagudo

Ms. Monteagudo submitted a letter to ask the Commission to grant her a waiver to sit for the exam a 4th time after she hit the continue button on her exam instead of review. After discussion, Mr. Whitfield made a motion, seconded by Mr. Healy, to deny Ms. Monteagudo's request to sit for the exam a 4th time. By unanimous vote, the motion carried. Ms. Wagner will send a letter to Ms. Monteagudo to let her know of the Commission's motion.

OLD BUSINESS

Discussion and Review of Hearing Officer Orders

Michelle Hunt
Monica Gale
Clement Straker
Robert Dibiase
Andrew Enahoro
Joseph Fletcher, Jr.
Sean Kilroy
Kimberly Rule
Theresa Dempsey
David Grove
Sandra Hunt
Lisa Fusco

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Discussion about the broker's responsibility when it comes to the continuing education and Mr. Harrington asking for Mr. James Collins to be present for February's meeting. The Commission feels that the broker's should be held responsible as stated in their rules and regulations but that the broker's should also be made to attend the rule to show cause hearings when one of their agents have a hearing to attend.

Mr. Harrington asked for an update of all the rule and regulation changes that the Commission has been speaking about over the last few months. Ms. Kelly state that the Commission just today spoke about the guidelines being updated with a new student application for DE approved courses, the change for automatically having approval for any module other than 7 to be used for module 7 electives, and changes to the pro-ration of continuing education.

PUBLIC COMMENT

There was no public comment for December.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, January 9, 2014 at 9:00 a.m.

ADJOURNMENT

Mr. Brannon made a motion, seconded by Mr. Emory, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:40 a.m.

Respectfully submitted,



Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.